IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Bail Appl..No. 874 of 2007

(CRIME NO.321/2006 PAYANGAD POLICE STATION)

PETITIONER/ACCUSED:

P.T.RIYAS, S/O.UMMER,
AGED 19 YEARS, PANDARATHOTTATHIL HOUSE,
THEKKUMPAD, MATTOOL AMSOM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT

STATE OF KERALA THORUGH THE
SUB INSPECTOR OF POLICE, PAYANGAD POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 874 OF 2007

Dated this the 14th day of February, 2007

O R D E R

In this Petition filed under Sec.438 Cr.P.C. the petitioner, who is the first accused in Crime No.321/2006 of Payangad Police Station for offences punishable under Secs.294(b), 427, 326 and 308 read with section 34 IPC, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application submitting, inter alia, that the de facto complainant has sustained injuries including fracture of the frontal bone on account of the pelting of stones by the petitioner and others.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 19.2.2007 and 21.2.2007 for the purpose of custodial interrogation. The petitioner shall, thereafter, be produced on the same day before the Magistrate concerned, who shall release the petitioner on bail on appropriate conditions.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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